

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION**

**ESTATE OF HENRY MISSICK,**

**Plaintiff,**

**vs.**

**Civil Action No. 5:23-cv-0021-KS-BWR**

**CORECIVIC, INC.**

**Defendant.**

**UNOPPOSED MOTION TO  
EXTEND EXPERT DEADLINES**

With full agreement of the Defendant, the Plaintiff hereby moves for an extension of thirty days of the deadlines for expert disclosures. The extension is necessitated by the fact that, due to defense counsel's extremely busy schedule this summer, the parties have yet to finalize a protective order that will allow the Defendant to turn over various videos and other information that is necessary for the Plaintiff's experts to prepare and complete their reports. The Plaintiff's expert deadline is September 1, 2023 and the Defendant's is October 2, 2023. [ECF No. 7].<sup>1</sup>

This is a state law wrongful death case of a prison detainee against the private prison company that housed him. According to the Complaint, the acts and omissions of the private prison's medical staff and some of the guards were below the relevant standard of care which led to the detainee's death. Since the Defendant is a private company and not a governmental unit, the suit is brought under state law and the types of immunities that exist in federal constitutional claims against state and local governments are not relevant here. This case was filed in state court but removed to federal court on diversity grounds.

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<sup>11</sup> The undersigned apologizes for filing this motion so late in the process. He had thought defense counsel would be in a position to prepare a joint motion and had asked her to do so. However, it turns out she is still in the midst of a particularly busy period and is involved this week in an out-of-state trial. So he is preparing this unopposed motion.

The parties have worked cooperatively. Defense counsel drafted a protective order and Plaintiff's counsel responded with several specific edits. The attorneys then talked about particular aspects of the order in an effort to reach agreement. Defense counsel then planned to circulate a new proposed compromise draft, but because of her schedule of trials and other matters, has not been able to do so. She has apologized for her schedule and we all hope to finalize and submit soon the proposed protective order. In the meantime, the Plaintiffs are not in a position to file their expert designations. Accordingly, they seek an extension until Monday, October 2, for their expert designations and an extension until Thursday, November 2, for the Defendant's expert designations.

Respectfully Submitted,

*s/ Robert McDuff*

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Admitted pro hac vice

*Counsel for Plaintiff*

**CERTIFICATE OF SERVICE**

I certify that I filed the foregoing on ECF which served notice on all counsel of record.

This 29<sup>th</sup> day of August, 2023.

s/ Robert B. McDuff  
Counsel for Plaintiff